

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

KEPHREN THOMAS,	§	
Plaintiff,	§	
	§	
	§	
v.	§	3:15-CV-01628-K
	§	
STEPHEN DUPLANTIS et al.,	§	
Defendants.	§	

ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Plaintiff's motion for a temporary restraining order and a preliminary injunction [[Doc. 9](#)] is **DENIED** and that the complaint is summarily **DISMISSED** with prejudice as frivolous. See [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#); [28 U.S.C. § 1915A\(b\)](#). This dismissal will count as a "strike" or "prior occasion" within the meaning of [28 U.S.C. § 1915\(g\)](#). [28 U.S.C. § 1915\(g\)](#), commonly known as the "three-strikes" provision, provides: "[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under

this section, if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”

SO ORDERED.

Signed July 20<sup>th</sup>, 2015.

  
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ED KINKEADE  
UNITED STATES DISTRICT JUDGE